



CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

31 August 2023

CERTIFIED MAIL

9589-0710-5270-0591-2550-22

Caltrans North Region
Jarod Barkley
703 B Street
Marysville, CA 95901

CERTIFIED MAIL

9589-0710-5270-0591-2550-39

Mr. Floyd Burton
5240 Riverview Boulevard
Bradenton, FL 34209

REVISED NOTICE OF APPLICABILITY

**WATER QUALITY ORDER 2003-0003-DWQ
STATEWIDE WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES TO LAND
WITH A LOW THREAT TO WATER QUALITY
CALTRANS AND FLOYD BURTON,
MARYSVILLE UP PROJECT AND BINNEY JUNCTION UP PROJECT,
YUBA COUNTY**

On 28 April 2023, Compass Land Group, on behalf of California Department of Transportation (Caltrans; Discharger), submitted a Notice of Intent (NOI) to obtain coverage under Water Quality Order 2003-0003-DWQ, Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality (hereafter General Order) for construction dewatering. Additional information was received on 30 May 2023. The submittal contains all the information required to evaluate applicability of the General Order; therefore, the NOI is considered complete. Based on the information provided in the NOI, the discharge meets the conditions of the General Order. The discharge is hereby coverage under State Water Resources Control Board Order, Notice of Applicability (NOA), Order 2003-0003-DWQ-0239. Please include this number on all correspondence related to this discharge.

On 21 July 2023, the Discharger submitted a request to discharge to an additional location not permitted in the original NOA. This NOA has been modified to include the additional discharge location (East Lake). No other changes have been made.

PROJECT LOCATION AND DESCRIPTION

The project consists of construction dewatering for two projects located in the City of Marysville. The Marysville Underpass (Marysville UP) project is located near the cross street of 17th Street and Yuba Street, as shown on Attachment A. The Binney Junction

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Underpass (Binney Junction UP) project is located in a greenspace between B Street and the Yuba-Sutter Transit parking lot at 2100 B Street, as shown on Attachment A.

Groundwater will likely be encountered during excavation to construct new pump plants, to rehabilitate a portion of SR 70, and to reconstruct a portion of the existing finger levee on the east side of SR 70 as the depth to groundwater is approximately 5 feet below ground surface (bgs). Approximately 16 dewatering wells (8 at each location) will be placed to a depth of 55 feet inside the shored excavation areas. Groundwater will be pumped to holding tanks in order to manage the discharge rates prior to discharging to land.

Extracted groundwater for the Binney Junction UP project will be discharged to a 1.4-acre discharge basin, 1.8 acre holding basin, and will be used to irrigate approximately 3 acres vegetation around the discharge basin, with permission from the property owner (Mr. Floyd Burton). The discharge will occur intermittently during construction with discharge volumes up to 44,000 gpd for the Binney Junction project.

For the Marysville UP project, extracted groundwater will be discharged to East Lake, a storm water basin connected to the City of Marysville's storm water system, as shown on Attachment B. Based on the NOI, East Lake is in proximity to the Yuba River; however, it is not known to be a tributary to the Yuba River and is solely fed by storm water runoff. East Lake is owned by the City of Marysville. The City is not named as a Discharger subject to requirements of this Order because CalTrans has stated its intent to act as the party primarily responsible for compliance herewith. The Central Valley Water Board reserves the right to hold the City jointly and severally liable for any discharges of waste to its property(s) that are in violation of any order prohibition issued by the State Water Resources Control Board or the Central Valley Water Board, or that creates, or threatens to create, a condition of pollution or nuisance. (See Wat. Code, §§ 13267, 13304, 13050.) The Central Valley Water Board further reserves its right to bring any other action deemed necessary, as authorized by applicable law and policy. Approximately 62,000 gallons per day are expected to be discharged intermittently to East Lake. There are no known sources of groundwater contamination in the area and therefore, contaminants in groundwater are not expected to be encountered.

Monitoring the discharge will consist of daily visual observations of the dewatering wells, holding tanks, conveyance systems, and discharge locations, as described in the Discharger's Discharge Monitoring Plan (DMP). The projects are anticipated to begin in June 2023 and continue for approximately 180 days.

The Discharger prepared a joint Environmental Impact Report and Environmental Assessment (EIR/EA) to evaluate the project's potential environmental impacts pursuant to the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA) (State Clearinghouse Number 2020050510), and filed a final Notice of Determination on 7 December 2020. The Central Valley Water Board understands that the EIR/EA is currently the subject of litigation between the Discharger and the City concerning [TBD], but that such litigation has been stayed pending settlement negotiations between the parties, has not impacted

the validity of the EIR/EA, and does not concern the EIR/EA's evaluation of potential water quality impacts or associated mitigation measures.

The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition, revised October 2011 (hereafter Basin Plan), designates beneficial uses, establishes water quality objectives, contains implementation plans and policies for protecting waters of the basin, and incorporates by reference plans and policies adopted by the State Water Resources Control Board. Pursuant to §13263(a) of the California Water Code (CWC), waste discharge requirements must implement the Basin Plan.

FACILITY SPECIFIC REQUIREMENTS

The General Order and this Notice of Applicability regulates construction dewatering for the Marysville UP and the Binney Junction projects.

1. Water generated during construction dewatering shall be disposed of as described in the Notice of Intent and in accordance with the requirements contained in the General Order.
2. Construction dewatering discharge at a location or in a manner different from that described in the Notice of Intent or this Notice of Applicability is prohibited.
3. If the EIR/EA is invalidated as a result of the ongoing litigation, the Discharger shall immediately cease the discharge(s) authorized by this NOA and contact the Central Valley Water Board.
4. All technical reports required herein that involve evaluation, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code, section 6735, 7835, and 7835.1. As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.
5. Monitoring results shall be submitted on a semi-annual basis in accordance with the General Order's Monitoring and Reporting Program. For the January through June reporting period, the monitoring report is due August 15. For the July through December reporting period, the monitoring report is due February 15.
6. The Discharger shall submit the required annual fee (as specified in the annual billing issued by the State Water Resources Control Board) until the Notice of Applicability is officially terminated.
7. Failure to abide by the conditions of the General Order, including its monitoring and reporting requirements, and this letter authorizing applicability could result in enforcement actions, as authorized by provisions of the California Water Code.

DOCUMENT SUBMITTALS

All monitoring reports and other correspondence should be converted to searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50 MB should be emailed to:

centralvalleysacramento@waterboards.ca.gov.

To ensure that your submittal is routed to the appropriate staff person, the following information should be included in the body of the email or any documentation submitted to the mailing address for this office:

Project Name: Marysville UP Project and Binney Junction Project
County: Yuba
Order Number: 2003-0003-DWQ-0239
Place ID: 888109

Documents that are 50 MB or larger should be transferred to a CD, DVD, or flash drive and mailed to:

Central Valley Regional Water Quality Control Board
ECM Mailroom
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Now that the NOA has been issued, the Board's Compliance and Enforcement section will take over management of your case. Brendan Kenny is your new point of contact for any questions about the Order. In addition, all monitoring and technical reports should be submitted to him. The enclosed transmittal sheet shall be included with each monitoring report. If you find it necessary to make a change to your permitted operations, Brendan will direct you to the appropriate Permitting staff. You may contact Brendan at (916) 464-4635 or at bkenny@waterboards.ca.gov

for Patrick Pulupa
Executive Officer

Enclosures: Water Quality Order No. 2003-0003-DWQ
Monitoring and Reporting Transmittal Sheet

cc w/o enc: San Joaquin County Environmental Health Department, Stockton
cc w/enc: Candice Longnecker, Compass Land Group, McClellan



